

REMARKS/ARGUMENTS

The Office Action mailed on July 19, 2004 has been carefully considered. Claims 1-20 are pending in the application with claim 1 being the only independent claim. Reconsideration of the claims in view of the following remarks is respectfully requested.

In the Office Action dated July 19, 2004, claims 1-6 and 13-19 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,497,966 (Fuhrmann) or DE 621,149 to Muhr (DE '149).

Claims 7-12 and 20 were found to contain allowable subject matter and would be allowable if rewritten in independent form. While the finding of allowable subject matter is greatly appreciated, Applicant's respectfully traverse the rejection of claims 1-6 and 13-19 in view of the following remarks.

The present invention relates to a column unit for a chair and includes an upright tube 2 in which a guide bushing 3 is inserted (page 10, para. 0026; and Fig. 1 of the present specification. An axially telescopic tube 4 is arranged in the guide bushing 3 and a pneumatic spring 5 housing a piston rod 6 with a free end connected to the upright tube 2 is accommodated in the telescopic tube 41 (para. 0026). The bottom region of the telescopic tube 4 defines a bead 7 (para. 0027). A spring ring 9 arranged in a bead 8 in the guide bushing 3 encompasses the telescopic tube with a radially inward directed prestress (para. 0028). This prestress causes the spring ring 9 to enter the bead 7 of the telescopic tube 4 when the outward movement of the telescopic tube 4 causes the two beads 7, 8 to be located opposite one another, thereby preventing further outward movement of the telescopic tube 4.

Independent claim 1 recites a securing element arranged on the upright tube and urged resiliently radially inward such that the securing element abuts an outer cylindrical lateral

surface of the telescopic tube. Independent claim 1 further recites that the securing element is latchable in a latching recess in the telescopic tube when the telescopic tube is withdrawn to a maximally withdrawn position.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly, or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987).

Fuhrmann fails to disclose a securing element urged resiliently radially inward such that the securing element abuts an outer cylindrical lateral surface of the telescopic tube or that the securing element is latchable in a latching recess in the telescopic tube when the telescopic tube is withdrawn to a maximally withdrawn position, as expressly recited in independent claim 1.

Fuhrmann discloses a chair column unit with a base tube 10 and a centering tube 12 (col. 6, lines 43-51). An axially movable guide sleeve 14 is inserted in the centering tube 12 (col. 6, line 57). A pneumatic spring 18 having a piston rod 18a connected to the base tube 10 is inserted in the guide sleeve 14 (col. 7, lines 5-8). The guide sleeve has a pullout restriction ring 16 which interacts with a bottom of the centering tube 12 to prevent the guide sleeve 14 from being pulled out of the base tube 10 (col. 8, lines 23-31). Further embodiments shown in Figs. 2-4 of Fuhrmann have a pullout restriction pin 116, (Fig. 2) 216 (Fig. 3), 316 (Fig. 4) arranged on the guide sleeve.

Since the pullout restriction ring 16 or pin 116, 216, 316 of Fuhrmann is arranged on the guide sleeve, Fuhrmann fails to disclose a securing element urged radially inward on an outer surface of the telescopic tube and latchable in a latching recess. Accordingly, independent claim 1 is not anticipated by Fuhrmann under 35 U.S.C. §102.

Furthermore, Fuhrmann also fails to teach or suggest the claimed invention. None of the embodiments disclosed by Fuhrmann show that a securing element is latchable in a latching

recess to prevent further withdrawal. In contrast, the ring 16 or pin 116, 216, 316 of Fuhrmann does not latch in any recess to prevent further withdrawal. Rather the pin 116, 216, 316 is movable to a non-operating position which allows the guide sleeve to be pulled out for work or repair (see, e.g., col. 9, lines 1-11 of Fuhrmann). Accordingly, Fuhrmann fails to teach or suggest that the securing element is latchable in a latching recess in the telescopic tube when the telescopic tube is withdrawn to a maximally withdrawn position, as recited in independent claim 1. Therefore, independent claim 1 is also allowable over Fuhrmann under 35 U.S.C. §103.

DE '149 discloses a telescopic column having a base cylinder, a second cylinder f, and a third cylinder g. Each of the second and third cylinders f, g have a flange which prevents full withdrawal of the second and third cylinders f, g from the base cylinder a. Since the flanges prevent withdrawal, the balls p' and e' can not be considered to be securing elements which prevent further withdrawal of the tubes f and g from the base tube a. Accordingly, independent claim 1 is not anticipated by DE '149 under 35 U.S.C. §102.


Furthermore, since each of the tubes f and g comprises a flange for preventing withdrawal, there is no teaching or suggestion in DE '149 for a securing element urged resiliently radially inward such that the securing element abuts an outer cylindrical surface of the telescopic tube. Therefore, independent claim 1 is also allowable over DE '149 under 35 U.S.C. § 103.

Dependent claims 2-20, being dependent on independent claim 1, are deemed allowable for the same reasons as is independent claim 1.

The application is now deemed to be in condition for allowance and notice to that effect is requested.

Respectfully submitted,

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